REMARKS/ARGUMENTS

Pending claims 1-6, 8-16, 21-51 and 58-62 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,182,555 (Sumner) in view of U.S. Patent No. 6,230,011 (Guenther). Applicant respectfully traverses the rejection.

With regard to amended claim 1, neither reference teaches or suggests both a cellular map and a road map stored in an apparatus. In this regard, the Office Action contends that the cellular map is met by the cells shown in FIG. 4 of Sumner, although the Office Action concedes that the cells of Sumner are not cellular communication cells. Office Action , p. 3. The road map is also contended to be met by FIG. 4 of Sumner. *Id.* However, FIG. 4 merely shows the information that can be shown on a vehicle display of vehicle system 103 of Sumner. Sumner, col. 13, lns. 19-21. In contrast, claim 1 recites that the cellular map and road map are stored in an apparatus which also determines vehicular traffic. Vehicle system 103 of Sumner does not determine vehicle traffic. Further, nowhere does Sumner teach or suggest that the map displayed by vehicle system 103 is present (and certainly it is not stored) in central system 101 that determines vehicle traffic.

Claim 1 is patentable for the further independent reason that neither Sumner nor Guenther teach or suggest determining vehicular traffic based on an analysis of occupancy data corresponding to cellular devices present in cellular communication cells. In this regard, the Office Action concedes that the system of Sumner nowhere teaches any determination of traffic based on occupancy data corresponding to cellular devices. Office Action, p. 9. Nor does Sumner even suggest the same. In contrast, Sumner merely discloses that a communication subsystem may consist of low power radio transmitters that are similar to cellular telephone transponders. Sumner, col. 6, lns. 7-11. This portion, however, neither discloses a cellular map of cellular communication cells nor determining vehicle traffic based on an analysis of occupancy data corresponding to cellular devices.

Nor does Guenther. Instead, Guenther merely teaches that a mobile terminal may send information to a system so that the system can determine a route that a vehicle has traveled. In other words, the combination of Sumner and Guenther nowhere teaches or suggests determining vehicle traffic based on an analysis of occupancy data corresponding to cellular devices present within cellular communication cells. For at least these reasons, claims 1-9 and 58-60 are patentable.

As to claim 10, neither reference teaches or suggests a cellular communication device that receives cell occupancy data, nor determines traffic according to the cell occupancy data and a stored map. In this regard, the central computer 101 of Sumner is not a cellular communication device. Nor is the central station of Guenther. Further, nowhere does Sumner teach or suggest determining traffic according to a map. Nor does Guenther, for the same reasons discussed above. Accordingly, claims 10, 11-16, and 61-62 are patentable.

Claim 21 is patentable over the proposed combination as neither reference teaches or suggests determining a delta in occupancy data of at least one cell of a cellular communication system. In this regard, Sumner nowhere teaches or suggests that its system determines a delta in occupancy data. Instead, all that can be said about Sumner is that Sumner determines levels of congestion for a link. Sumner, col. 9, lns. 45-68. These levels are not in any way used in a determination of a delta. Nor is there any determining of spatial movement according to such a (non-existent) delta in occupancy data. Nor does Guenther provide these missing elements. Accordingly, claim 21 and claims 22-38 depending therefrom are further patentable.

As to claims 39-51, Applicant respectfully disagrees that such claims "are obvious method claims of claims 10-16 and 21-38", as contended by the Office Action. Office Action, p. 9. As to claim 39, nowhere does Sumner teach or suggest receiving cell occupancy data corresponding to plural cells of a cellular communication system recited by claim 39. This is so, at least for the same reasons discussed above regarding claim 1. Nor does Sumner teach or suggest determining which cellular devices represented by the cell occupancy data are moving between cells also recited by claim 39. Accordingly, Sumner further fails to teach or suggest determining which cells moving cellular devices are moving between, and converting the moved-between cell determination into a roadway representation that indicates which roads the moving vehicles are likely to be on, further recited by claim 39. Nowhere does Guenther add these missing elements. Accordingly, claim 39 and claims 40-48 depending therefrom are patentable over the proposed combination.

With respect to claim 49, nowhere does Sumner teach or suggest, at least, categorizing cellular devices in a specified area. Furthermore, Sumner fails to teach or suggest filtering out cellular devices not recently in other areas. Nowhere does Guenther add these missing elements. Accordingly, for at least these reasons, claim 49 and claims 50-51 depending therefrom are patentable over the proposed combination.

For at least the same reasons discussed above regarding claim 1, claim 7 depending therefrom is patentable over Sumner and Guenther in further view of U.S. Patent No. 6,317,686 (Ran).

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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